



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

January 29, 1988

MEMORANDUM

SUBJECT: Citizen Suit Notice Regarding Alleged PCB Discharges
 • Teledyne Ryan Aeronautical Company
 • General Dynamics
 • San Diego Unified Port

FROM: William D. Wick *WDW*
Associate Regional Counsel

TO: Philip L. Bobel
Chief, Waste Programs Branch

✓ Keith A. Takata
Chief, Superfund Programs Branch

Richard E. Vaille
Chief, Pesticides & Toxics Branch

Attached is a citizen's suit notice we received concerning alleged discharges of PCBs into San Diego Bay by Teledyne Ryan Aeronautical Company, General Dynamics, and the San Diego Unified Port. The notice cites RCRA, CERCLA, and TSCA, among other statutes.

Please review the information provided in this notice and other information available to you to determine whether there are RCRA, CERCLA, or TSCA violations which warrant the consideration of EPA enforcement action. We need to respond to Kenneth Noel, attorney for the prospective plaintiffs, by March 10, 1988 as to our intentions.

Please contact me no later than March 1, 1988 so that we can coordinate an EPA Region 9 response with the Water Management Division.

Thanks.

cc: Ann Nutt, ORC

4/19
KENNETH D. NOEL & ASSOCIATES

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING

101 WEST BROADWAY, SUITE 527

SAN DIEGO, CALIFORNIA 92101

KENNETH D. NOEL

Deferred To

OK

CC:

TELEPHONE
(619) 232-7777

CERTIFIED MAIL

January 14, 1988

Environmental Protection Agency
Administrator
215 Fremont
San Francisco, CA 94111

California Regional Water
Quality Control Board
6154 Mission Gorge Road
Suite 205
San Diego, CA 92120

Office of Secretary of State
1230 J Street
Sacramento, CA 95807

General Dynamics
c/o Gray, Cary, Ames & Frye
Attn: F. P. Crowell, Esq.
401 B Street, Suite 1700
San Diego, CA 92101

Teledyne Ryan Aeronautical
c/o Landels, Ripley & Diamond
Attn: James A. Bruen, Esq.
450 Pacific Avenue
San Francisco, CA 94133

S. D. Unified Port District
c/o Butz & Lucas
Attn: Douglas M. Butz, Esq.
1010 Second Avenue, Suite 2109
San Diego, CA 92101

RE: Notice of Violation Pursuant to United States Code
Title 42 §6972(b), Title 15 § 2619(b)(1)(A), Title 33
§ 1365(b), Title 42 § 9607, Title 33 § 1415(g)(2)(A) and
Related or Applicable Provisions of State and Federal
Law.

Dear Sir or Madam:

This correspondence is to provide notice pursuant to the above-referenced provisions of law to the Administrator of the United States Environmental Protection Agency, the State of California, California Regional Water Quality Control Board San Diego Region (9), the Teledyne Ryan Aeronautical Company, General Dynamics and the San Diego Unified Port District.

In a public report of staff testimony issued July 24, 1986, the Regional Water Quality Control Board for San Diego cited Teledyne Ryan Aeronautical Company and General Dynamics for discharging cancer-causing Polychlorinated Biphenyls (PCBs) and heavy metals into San Diego Bay. The San Diego Unified Port District owns the land on which these companies operate and is responsible for regulating activities on the bay.

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Accordingly, the above-referenced companies and government agencies are hereby notified pursuant to the above referenced provisions of law that Charles S. Campe, James L. Olaveson, Robert J. G. McKnight, III, Dennis M. Capotosto, Terry D. Bergen, Allen W. Melancon, Nathaniel A. Lesure, Kim C. Ward, Michael Duffy, John J. Browne, John L. Jones, Lawrence N. Pich, Fred S. Sammons, and Jo Anne M. Olaveson, Administrator of James L. Olaveson's estate, will commence a civil action against them if within the time prescribed by law no satisfactory action is taken by the appropriate parties to remove the specified and unlawfully discharged carcinogenic and related substances from the San Diego Bay.

Very truly yours,

KENNETH D. NOEL & ASSOCIATES



Kenneth D. Noel

KDN:jm